

REMARKS

In the Office Action¹, the Examiner took the following actions:

objected to claims 5, 11, and 34, as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims;

rejected claims 24 and 27 under 35 U.S.C. § 101; and

rejected claims 4, 10, 24, 27, and 33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,774,905 to Elfving et al. ("Elfving").

Applicants thank the Examiner for the indication of allowable subject matter, but respectfully traverse the objection and the rejections. Claims 24 and 27 are amended; claims 1-3, 7-9, 23, 26, and 29-32 were previously canceled; and claims 6, 12-22, 25, 28, and 35-43 stand withdrawn. Accordingly, claims 4, 5, 10, 11, 24, 27, 33, and 34 remain under examination.

Applicants respectfully traverse the rejection of claims 24 and 27 under 35 U.S.C. § 101. Nevertheless, in order to advance prosecution, Applicants have amended claims 24 and 27 in a manner consistent with the Examiner's comments at page 3 of the Office Action. Specifically, Applicants have amended claim 24 to recite "[a] computer readable medium to store a program." Claim 27, although of different scope, is amended in a manner similar to claim 24. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 24 and 27 under 35 U.S.C. § 101.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Applicants respectfully traverse the rejection of claims 4, 10, 24, 27, and 33 under 35 U.S.C. § 102(e) as being anticipated Elfving.

In order to support a rejection under 35 U.S.C. § 102, each and every element of each claim in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully traverse the rejection, as the cited reference does not teach each and every element of independent claim 4.

Claim 4 recites, *inter alia*, “defining a potential function V for the image of the graphical form.” In Fig. 10 at steps 110, 120, 130, and 140, Elfving discloses determining if there are any “distinct regions” of a segmented filtered image and “[c]reat[ing an] outline image of distinct image.” Regarding creating the outline image, Elfving further discloses at column 8, lines 41-56, that the outline image is created using a search function in order to “[f]it a polygon to the outline image” and to classify the outline image (Fig. 10, steps 150 and 160). Thus, Elfving merely teaches creating a outline image of a distinct image and classifying the outline image as a polygon. Elfving, however, does not teach “defining a potential function V for the image of the graphical form,” (emphasis added) as recited in claim 4. Thus, Elfving fails to anticipate claim 4 for at least this reason.

Moreover, claim 4 recites “calculating a first group of curves which are formed by connecting equal values with respect to values expressed by said potential function V” (emphasis added). At page 4 of the Office Action, the Examiner alleges that Elfving

teaches “calculating a first group of curves” and cites column 6, lines 37-42 and column 11, lines 15-40, of Elfving in support of these contentions. Elfving merely teaches that “the outline shape is represented by a spline function [t]he position of the control points is adjusted so that the curve coincides as well as possible with the outline in the image.” Col. 6, lines 37-42. As discussed above, however, Elfving does not teach a “potential function V” and, accordingly, cannot teach “calculating a first group of curves which are formed by connecting equal values with respect to values expressed by said potential function V” (emphasis added). Claim 4 is not anticipated by Elfving for at least this additional reason.

Elfving does not teach each and every element recited in claim 4 and, thus, fails to anticipate claim 4. Independent claims 10, 24, 27, and 33, although of different scope, recite similar elements as claim 4 and are not anticipated by Elfving for similar reasons as claim 4. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 4, 10, 24, 27, and 33 under 35 U.S.C. § 102(e).

Furthermore, the Examiner should also withdraw the objection to claims 5, 11, and 34 due to their dependence from claims 4, 10, and 33, respectively.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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